CONSUL GOWDY RESCUES AMERICAN GIRL FROM JAIL

Young Woman Says She Was Ar- Parliamentary Experts Spar, but rested After Escaping from Lover Who Abducted Her.

HOME IN DECATUR, GA

PARIS, May 11.-United States Consul General Gowdy recently received a letter from an American girl, saying that she was locked up in a provincial jail without any charge having been made against her. The consul general sent a representative to the jail and secured the girl's release and return to Paris. He then cabled to her parents residing at Decatur, Ga., requesting funds for her return to America. The girl related a sensational story. She claimed to have been abducted by an American seeking to marry her and said she accompanied him on an automobile hotel, escaped and attempted to walk across the country, but was arrested as a

wanderer by the French authorities. Inquiries made by Mr. Gowdy's representative established the correctness of her detention at the provincial jail, but the story of her abduction was not verified. except by her statement, which has been reduced to an affidavit before the consul no legal steps have been taken against the alleged abductor and owing to the doubtful character of some of the accuse tions. Pending the arrival of funds the girl is being cared for by the American Young Men's Christian Association.

WENT TO EUROPE TO GIVE CONCERT READINGS

ATLANTA, Ga., May 11.-Investigation developed the fact that the young woman referred to in the above dispatch from Paris is Miss Bell Crane, of Decatur, Ga., who went to London about a year ago to give concert readings. Miss Crane was well known here. Her father is B. S. Crane, who holds a prominent position with the Virginia-Carolina Chemical Company. He several weeks until about seven days ago, in response to a cablegram from American | by a majority vote of the conference. Consul General Gowdy that Miss Crane was in Paris and wished to return home, he cabled \$200 to pay the expenses of her re-turn passage. Miss Crane went to Europe in company with a party of friends from. Cincinnati. She had contracted with a Mr. Angel, an American, who was going to Eu-rope accompanied by his wife, to give a series of concert readings, but upon the death of Mrs. Angel the plan was dropped. The Associated Press brought Mr. Crane the first information of the sensational Five Others May Die and Twenty incident in Paris.

BLACKSMITHS ARE IN POOR SHAPE FOR MEET

Rhodehamel and Hill Will Be Unable to Participate in Saturday's Meet.

The Manual Training High School track team held its try-outs for Bloomington at the fair grounds yesterday evening. Three men will be taken for each event, although all have not come up to the prescribed standing. The men who ran at Culver in the mile and half-mile last Saturday retained their positions, and the race in these events was for third place. Rhodehamel's leg still troubles him, and he will only attempt to run the 440-yard dash. Hill, the star half-miler, has not yet made up his back work and will not accompany the team to Indiana. This means a great loss to the squad, as he was looked upon as a sure winner of his event. A large crowd of rooters will accompany the team to Bloom-ington. Many will be cared for by private families and fraternities. The team will leave Friday afternoon at 3:30 and return Sunday morning.

FAIR SCORES ROLLED IN WASHINGTON LEAGUE

The Silent Five team of the Washington League sprung a surprise last night by winning two games in its series with the Wa Wos. The Hoop-De-Doos won two from the Unions. The scores were fairly good.

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E. Br'km'r, 157	178	190	H. Kemper. 164		128
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Barz 165	170	124	Poirier 120	360	- 755
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Fotog Dark Horse Red Raven Standard Whoop-De-Doo12 Tiger Newcomer Sei Roo 9 . Kingan Union12

ROSE POLY PLAYERS BATTED OPPORTUNELY

Special to the Indianapolis Journal. TERRE HAUTE, Ind., May 11.-Rose Poly defeated Butler College this afternoon by better work with the stick at times when hits counted for runs. Butler's errors were costly. Daily, Rose's star pitcher, who has been ill, was never better than in this game. Score:

Butler 1 0 1 0 0 0 0 0 0-2 3 5 Batteries-Daily and Reed; Adamson and

PITCHER CROMLEY JOINS THE PHILLIPINOS

MINNEAPOLIS, May 11 .- T. T. Cromley, former pitcher of the Georgetown Univercity baseball team, joined the Indianapolis

team here to-day and may play to-morrow. Second Team Will Meet.

A baseball game has at last been arranged between the second teams of Shortridge and Manual Training High School. It will be played here on Thursday, May Manager Fox would like a game for May 21, as he has this date open. The

ber of the State Athletic Association. Witmer Won in Straight Falls.

game first scheduled with Rushville had

to be canceled as that school is not a mem-

CINCINNATI, May 11 .- In a Graeco-Romer, of this city, and Weis Mais, of France, here to-night, the former won in two straight falls, the first in three minutes and the second in four minutes.

Acton Chautauqua Assembly.

The Acton Chautauqua Assembly will hold its annual May meeting at Acton Park on May 19. A business meeting will be held at 2 o'clock in the afternoon. The Chau-tauqua Assembly will be held from July 22 to Aug. 10 this season. The park is in and condition.

you wish will be made. If you want any-thing from a pair of gloves to an automo-bile, you can give your order through the Journal's Shopping Department.

Address Journal Shopping Department.

METHODISTS CONSIDER THE REPORT ON RULES

the Conference Transacts No Business.

FOREIGNERS WELCOMED LILIUOKALANI

LOS ANGELES, Cal. May 11.-Practi-Dr. T. B. Neely, chairman. The reading it is stated, and the ceremonies will take ference until recess, at which time the resharp passages at arms between the parliamentary experts, which somewhat enlivened an otherwise dull and featureless ses- | tion of the tepees, wigwams and huts of

· After recess the duty of receiving and welcoming fraternal delegates, which was not completed at yesterday's session, was taken up and long addresses were made by Rev. William Dodson, fraternal delegate from Canada, and Rev. J. C. Kilgore, of the M. E. Church South. Dr. Kilgore aroused the enthusiasm of the delegates to a degree not before reached in the General Conference by his eloquent peroration in which he asserted that no one could love the stars and stripes more than the people of the South. At the conclusion of his address the audience arose at the request of Bishop Andrews and sang "America. The present indications are that the heresy charges that have been made against several individuals high in the councils of Methodism are destined to provoke a spirited conflict among the delegates before a final settlement of the controversy is reached. The committee on education will have consideration of this important matter.

No A. M. E. Bishops.

CHICAGO, May 11.-The African Methodist Episcopal General Conference to-day had heard nothing from his daughter for refused to elect any bishops at the present session. The report of the episcopal committee so recommended and it was adopted

MINE KILLS FIVE MEN

'Are Suffering from Slight Injuries.

DISASTER AT

CARBONDALE, Ill., May 11.-In an explosion to-day at the shaft of the Big Muddy Coal and Iron Company, in Herrin, five men were killed outright, five seriously injured and twenty other slightly in-

berg, Evan Williams and Thomas Green. Fatally injured-John Swofferd, Frank lost by Lieutenant Grant at Phari Lazonia and Angelo Scaronia. Two others

The accident was one of the most serious in the history of the coal industry in this proaching the town. Several hundred have section for many years. Six kegs of powder had been placed in the mine during the they have opened fire upon the British time intervening between the night and troops. Persons of importance arrive daily charge of the distribution of the explosives. Ten minutes after Miller was supposed to have accomplished his task the electric the Thibetans actually gained the walls. current which runs the machinery was Only their shouting betrayed them in time turned on and the explosion followed. It to prevent indiscriminate slaughter of the is supposed that through some mistake post, weakened by the detachment of men the current was switched on before Miller for an expedition. The defenders were had distributed the powder.

men on top to learn the fate of their forty | sisted on joining the fighters and gave or more companions below. On reaching the passage way they were met by a fright-ful sight. The body of Miller, the driver, was literally torn to pieces. Evan Williams was found only a short distance from sion. Miller, and four of those whose injuries may prove fatal were found in the same vicinity. The three others killed were farther from the pit and not so badly disfigured. The injured men were found in all parts of the mine. The dead and injured were taken to the top as rapidly as possible, the dead to an improvised morgue and the injured to their homes or The coroner's inquest began in Herrin to-day and will continue to-morrow.

KING PETER WILL NOT QUIT SERVIAN THRONE

VIENNA, May 11.-Rumors circulated of the intention of King Peter of Servia to abdicate have drawn an emphatic contraan interview with the Belgrade correspondent of the Politische Correspondenz, deventions. He considers it his duty to remain at his post so long as God preserves his further said that the British navy was life and says he has no intention of alter- growing dangerous for Germany. It was dismissing the present Ministry. The King adds that such unparliamentary and unpatriotic proceedings would injure the development of Servia at a moment when the country is beginning to consolidate.

Mines Operated Under Guard. MADISONVILLE, Ky., May 11 .- The mines at Wheatcroft continue to run with a short crew of nonunion miners, but owing to strong threats made by union men, who are very angry over the situation, a number of deputy sheriffs and United States marshals have been placed at the scene of confusion to protect men

who are at work. Other nonunion men are

constantly arriving to take the places of

THE JOURNAL'S SHOPPING DEPART.

MENT.

For the Use of Journal Subscribers. The Journal has established a free shopping department for the use of its readers. All Journal subscribers are invited to use the department freely at all times. Experts have been engaged as Journal stopping commissioners who will personally execute any orders readers wish to

When you see an attraction in the Journal advertising columns and find it inconvenient to visit the stores yourself, communicate with the Journal's Shopning Department by telephone, or mail. Ind the purchase will be made immediately and the goods sent to you C. O. D. Your purchase will be made within an hour of the time the order is received, and it will be made by an water reached above first floor, 560; numexpert shopper-one who knows how to buy ber of families driven from their homes man wrestling match between Charles Wit- and buy well. All merchants advertising in Journal are thoroughly reliable, and purchases made by the Journal staff will be at the lowest figures obtainable by any-

> The shopping will be done absolutely without expense to you or to the merchant. The one requirement is that you be a Journal subscriber. All correspondence relating to purchases or prospective purchases will be answered promptly and fully. Any class of purchases you wish will be made. If you want any-

MOROS PRAYING AND FEASTING AT ST. LOUIS

Celebrating Approaching Marriage of Sultan to One of His Ninety Slave Wives.

ILL

ST. LOUIS. May 11.-The Lanao Moros. ally no business was transacted by the at the fair grounds, have started upon a Methodist General Conference to-day. The programme of steady praying and feasting early morning session was devoted entire- in honor of the approaching marriage of ly to a consideration of the report of the Sultan Assume. The bride-to-be is one of committee on rules as reported by Rev. the ninety slave wives of Sultan Assume, and debating of the various sections gov- place as soon as the Moros are comfortaerning the manner of transacting business | bly settled in their village. The Moros beoh the floor of the conference and the gan praying and continued it during part of to-day and devoted much of the remainder of the day to feasting. Praying and feasting periods will be observed every third day until the ceremony takes place. Much interest has been manifested by visitors to the world's fair in the constructhe Indian village. As the different kinds of living quarters have been put up by the Indians, curious visitors have congregated in crowds. Geronimo, the famous Apache chief, who is now a prisoner of war at Fort S.II. I. T., is expected to arrive Arrangements are being made for the organization of a school on the world's fair grounds for instructing about seventyfive non-commissioned officers of the Filipino scouts in the English language. A large consignment of the famous old box trees, trimmed to the shape of animals, birds and other queer forms arrived to-day at the British pavilion, together with about twenty varieties of old English ivies. The trees will be set out around the British pavilion. Lilioukalani, former sovereign of the Hawaiian Islands, is ill at her apartments at the world's fair. Her illness is such that it was announced to-day that her stay in St. Louis will be cut short and that she and her party would leave Saturday for Honolulu, instead of remaining for two or three weeks longer. the torpedo boat destroyer Lawrence, which have been here for twelve days in honor of the opening of the exposition, departed to-day for New Orleans. The warships will be piloted down the Missis-

MANY THIBETANS SLAIN IN FIGHT WITH BRITISH

sippi river by the United States light-

house service Steamer Lily.

Hundreds of Natives Opposing Younghusband's Advance Killed by Mounted Infantry.

GYANG-TSE, Thibet, May 11 .- Mounted infantrymen returned to camp on the Karola and reported that they had killed 250 Thibetans during the pursuit after the force that opposed the advance of Colonel Younghusband's mission. There is some suspicion of collusion between the Thibet-Dead-John Miller, Dick Reins, Fritz Sei- ans and the Chinese. Two English rifles months ago.

The Thibetans have strongly fortified Jong and open fire upon every one aptaken residence in the monastery, whence shifts for distribution to the men in at Jong, and Lhasa sends conscripts from morning. John Miller, a driver, had monasteries and villages in a wide radius. In the attack upon the mission compound quickly in possession and drove off the in-The sick men in the hospital invaluable assistance. Colonel Brander's vic-

Problem That Works Against Complete Success of "Terrors of the Deep."

BERLIN, May 11 .- Upon the third reading of the naval budget in the Reichstag to-day Baron Von Kardoff (Agrarian) asked Secretary of the Admiralty Von Tirpitz why the German naval authorities had done nothing in the direction of building Von Kardoff be made much stronger." an urgent matter. He claimed Germany is able to build new vessels more rapidly than hitherto and new objects of taxation can be found.

Secretary Von Tirpitz answered that the naval authorities were following the submarine question with the closest attention and had made some slight experiments of its own. Von Tirpitz added that the authorities were concentrating their attention upon carrying out the fleet law. Progress undoubtedly had been made in the submarine question, but the problem lies in the possibility of seeing, and herein progress had been remarkably slow. Submarine boats in the North sea were capable of splendid achievements. The experiments would continue, but even if they proved successful submarine boats would not produce a great revolution so long as the problem of seeing was not solved.

PREPARE FOR THE SALE OF STATE INSTITUTE GROUNDS

Appraisers Appointed to Fix Price on Site of Asylum for Deaf and Dumb.

The commission chosen for the purpose of formulating plans to dispose of the grounds and buildings of the State Institute for the Deaf and Dumb, has appointed appraisers for the property in the persons of Marcus S. Sonntag, Evansville, and C. E. Coffin and I. N. Richie, of Indianapolis, This step was taken as soon as the State was tendered twenty-six quit-claim deeds to the property by the only twenty-six persons who might have had a possible claim on the grounds. The appraisers will complete their work in a short time, it is thought, and the sale

Work of Charity Organization.

of the property will follow.

The Charity Organization Society has cent floods. Number of buildings in which 510; number of persons driven from their homes, 1,704; number of houseboats left on the river, 1. Charles S. Grout, secretary of the society, has returned to his office after several weeks' absence on account of illness. The office force yesterday presented him with a fine upholstered office chair.

Southern League Results. At Nashville-Nashville, 17; Montgom-

At Atlanta-Atlanta, 3; Birmingham, 1. At Little Rock-Little Rock, 3; New Or-At Shreveport-Shreveport, 5; Memphis, 3,



JERRY A. MATHEWS, ried Miss Watson Last Night.

JERRY MATHEWS, KNOWN THROUGH STATE, MARRIES

Popular Secretary of Senator Fairbanks Weds Niece of Congressman James Watson.

CEREMONY VERY SIMPLE

Jerry A. Mathews, secretary to Senator Charles W. Fairbanks, and Miss Emma Lillian Watson, daughter of Mr. and Mrs. The United States Gunboat Nashville and William Watson, of Winchester, were married last night at 8 o'clock at the residence of Rev. Joshua Stansfield, pastor of the of sickness in the bride's family, the wedding was a quiet one, Mr. and Mrs. I. D. and groom, being the only guests present. The bride is a well-known society girl of Winchester and was formerly in the office of the secretary of the Republican state committee. Her father is a prominent Republican editor of Winchester and is well known throughout the State, being a brother of Congressman James E. Watson, of Rushville

Mr. and Mrs. Mathews became acquainted while the latter was connected with the Republican state committee last year, and the friendship that sprung up there reached its happy culmination in the wedding of

It was the desire of Congressman Watson to have the young people married at his Merrit Harrison, I home in Rushville, but a host of their let, Lulu Clemens. HERRIN CHINESE ARE SUSPECTED friends learned of the proposed affair, and by their extensive preparations for a cele-bration caused the bride to change her

Mr. and Mrs. Mathews did not leave the city after the ceremony, but will go to housekeeping at the Charles G. Lohman home, 120 West Twentieth street, where they will reside until Mr. Mathews returns to Washington in the fall.

ENGINEERS TO CHOOSE P. M. ARTHUR'S SUCCESSOR

Most Important Work That Will Come Before the Brotherhood Convention.

LOS ANGELES WELCOMES

LOS ANGELES, Cal., May 11.-The sixth biennial convention of the International Brotherhood of Locomotive Engineers asand 700 delegates in attendance at Turner Hall. At the same time the Ladies' Auxiliary of the order assembled in Blanchard

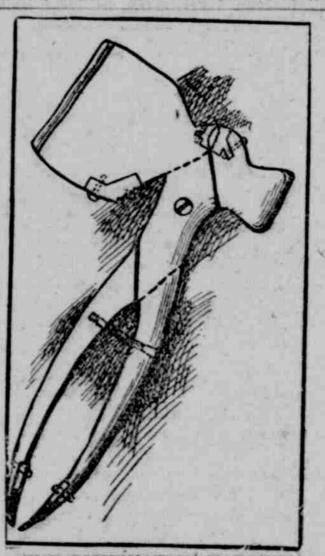
convention of the engineers was called to order by Grand Chief Engineer W. S. Stone, who delivered a brief address, reciting the splendid work which the association has been able to accomplish and what it hoped to perform at the present meeting. After the secretary called the roll of delegates the convention proceedwith the work of selecting the committees. When disposed the convention adjourned until ernoon, when it convened at Mason Opera House. There Mayor Snyder formally welcomed the delegates. Addresses were also made by Second Grand Assistant Engineer various railroads entering Los Angeles and | ingly by First Grand Engineer T. S. Ingraham,

of Cleveland, and others. were experimenting with them. "The Rus- grand chief engineer to fill the place made cate in favor of his son to be pure in- that our navy is far from what Germany July. The present chief, W. S. Stone, who must demand for its navy. Our navy must was chosen to fill out Mr. Arthur's unexpired term, will be a candidate to succeed himself. Other candidates are J. C. Currie. second grand assistant engineer, and T. S. Ingraham, first grand engineer. In the auxiliary Mrs. W. A. Murdock, founder of the order and its president during the entire eighteen years of its existence, will succeed herself.

COMBINATION TOOL.

A Hatchet with a Wrench and Pincers Attachment.

Probably the first combination tool that found favor with the public was the penknife that carried a crokscrew and a few other useful accessories. Then there was the combined knife and fork "the boys" used to use in the army. All sorts of com-bination articles have been devised in the



THE COMBINATION HATCHET

interest of economy, and the latest thing place with the most popular of its kind. It is a hatchet-a full-fledged hatchetwith a sectional handle, which forms calipers, and an extension of the handle which terminates in pincer teeth. Furthermore, there is an adjustable screw in the handle, should attract fame and fortune to its inthese plans of defense will be erected along rules and regulations of the association. vs. Robert L. Porter et al. Appellee's brief
ventors, two bright men of Hinsdale, Ill. the American border. ventors, two bright men of Hinsdale, Ill.

INDIANA BUILDING AT WORLD'S FAIR IS READY

Place at St. Louis on June 3.

Practically complete in every detail, the Indiana building at the world's fair is now in readiness for the dedication of the building, which, as now arranged, will take place on the afternoon of June 3.

The building will be presented to the people by Henry W. Marshall, vice, president of the commission, and Governor Durbin, on behalf of the Indiana citizens, will receive the building. Frank C. Ball, of Muncie, chairman of the building committee, will make the report of the committee to the commission and the principal address will be made by Lieutenant Governor Newton W. Gilbert. The Culver cadets and their band will act as an escort for Governor Durbin and his party, which will be met at the main gate of the administra-tion outlding and escorted to the Indiana

The Indiana building is said to be one of the most beautiful and best arranged on the grounds and all Indianians visiting Secretary to Senator Fairbanks. Who Mar- | the fair will be heartily welcomed within

> "AUNT MARY" STEWART AGAIN BEHIND BARS

"Aunt Mary" Stewart, sixty years of age, has again been arrested for being drunk. She was seen staggering along West Washington street by Patrolman Gunsolus, and in order to save her from accident or further trouble she was sent to the police station. "Aunt Mary" has come to be familiar figure in Police Court, and since she has no home to go to when discharged, or when her time has been served, her case has grown to be a perplexing one for Judge Whallon. She invariably finds her way to the Police Court again, and no amount of fine nor workhouse sentence seems to have any effect upon her. She serves her time and starts all over again.

M. T. H. S. NEWS NOTES.

Manual Training High School shows a great death occurred July 28, 1903. improvement over that issued six weeks ago. This list is composed of those who re-Lambertson, close friends of both the bride | ceive only A plus and A in their studies, or, in other words, over 90 per cent. The names and grades follow:

> Grade I-May Larsen, Raymond Sutton, Harry Elliott, Hazel Small, Will Block, Mildred Dunn, Bessie Mading, Myron McIl-Lydia Koepper, Nell Fodrea, Gertrude

Shield, John Carson. Grade III-Ruth Keller, William Ed-wards, Margaret Shover, Florence Weiser, Bertha Craven, Melvin Martin, Will Kuster. Maude Darnell, Artie Buckner, Lex Dickey, Merrit Harrison, Irene Hunt, Monroe Nob-Grade V-Fern Boyer, Irma Nix, Pearl Clendenning, Ruth Kellogg, Hermann Due-pree, Marie Coleman, Dollie Moore, Nettie

Grade VI-August Bohlen, Phila Hilt, Helen Smith Grade VII-Nellie Gaunt, Julia Winterrowd, Louis Bruck, Louise Bonner. Grade VIII-Dora Bosart, Ray Fatout, Cornelia Gekeler, Jessie Good, Pansy Hall, Mayme Klentschy, Elsa Leachman, Roy McIntosh, Anna Meier, Gretchen Scotten, Ethel Simms, Elmer Adams, Edwin Bos-well, Bert Gaunt, Hazel McClelland, Hanna Mueller, Julia Nesom, Alma Piel, Edward Wagener.

Keller Placed in Jail.

William P. Keller, the employe of the A. Burdsal Paint Company who was arrested Tuesday evening for embezzling funds from that/company, was placed in the county jail yesterday morning, being unable to give a bond of \$3,000. His case was continued in Police Court to May 17.

Taxes Loom Up in Large Figures. City Controller Dunn estimates that the city's share of the taxes this spring will amount to about \$650,000. Exact figures he

says this estimate includes the \$16,000 which goes to the pension fund and the \$16,000 which goes to the sinking fund.

will be unable to give for some time. He

Dunn Has Gone "A-Fishing." City Controller Dunn has decided to give a wide berth to the Democratic convention to-day, and, leaving the strife and turmo of politics behind, to go "a-fishin'." left last night for Maxinkuckee, where he cution will spend several days casting for bass. He will return Monday.

Little Stories

"It is remarkably queer how the sight of persons and certain objects will often J. C. Currie, of Jersey City, by representa-tives of the operating departments of the revive memories and recall incidents seemlong forgotten," said Granville The work of greatest importance before recorder's office. "Just to-day there was of guilty to assault and battery. Fined of and costs, four months in workhouse; first submarine boats while all the other navies the present convention is the selection of a recalled to my mind by the sight of a and second counts nollied. clares the reports of his intention to abdi- so-Japanese war," he said, "must warn us vacant by the death of P. M. Arthur last woman who came in the office, an incident that ocurred many long years ago. don't believe from the day that it hap- and Terminal Company; damages. Superior pened until I first caught sight of her today had I ever thought once of that which at the time interested and amused me very

"The woman to whom I have referred is

an old Irishwoman, but many, years ago ley et al.; to set aside will. Circuit Court. she was a young bride. Such devotion to her husband as she manifested I don't think I have ever seen since. All of her hopes were centered in his life and work and everything that "her Patrick" did was just right. He was the idol whom she worshiped and the object of all her attentions. But it must have been that she was too devoted to her husband, for they had not been married a great while until her "Patrick" took sick and soon died. At the hours away she thought of her dead husshe might in some way alleviate the sufferings of the corpse she demanded of the husband that he might be kept warm until he should be returned to mother earth. sistent was the young widow in her demands that he had to yield. He finally granted her the peace of mind that she asked by taking comforts to the vault and placing them on the coffin to warm the corpse of her husband:"

in a conversation which recently took place between two women on a street corner. "Godness," the elder of the two exclaimed, "there goes Mrs. B. in mourning. What in the world induced her to put that on?"

"Haven't you heard?" the other replied.

"Her mother died last week." over that? Her mother died an imbecile at the age of ninety-three. For the past ten years she has been out of her head, and they have had to employ a nurse to watch her. Every one has realized that death would be a blessing, and her relatives and friends have really wanted it. Wouldn't advanced. Cass C. C. you want to die if you were as old as that, and out of your head-a care to all and no pleasure to yourself? "Well, perhaps I would. But all the same in this line seems to be destined to take its | don't you think Mrs. B. looks awfully well

Fortifications at Halifax.

in black?

MUST GIVE UP THE FARM HELD FOR FORTY YEARS

Plans for the Dedication to Take McCaslin Will Be Ejected Following Verdict Given for the State After Third Trial.

ENDING OF AN OLD SUIT

The jury in the case of the State against William McCaslin and others, for ejectment and to quiet title, taken to Boone county on a change of venue from Marion county, rendered a verdict for the State yesterday'. The suit involved 100 acres of land in Wayne township, and has been in the courts of the State and different counties for the last forty years. It required but one ballot for the jury to decide. This the third time the State has won against McCaslin. Prior to this he has always retained possession of the land, having returned at one time, it is said, after the officers had ejected him. The State proposes to take immediate possession of the property now, however. Assistant Attorney General C. C. Hadley has been working on the case for the last

SUIT FILED TO SET WILL OF A. B. CONDUITT ASIDE

Claimed Testator Was of Unsound Mind-Plaintiff Is Daughter of Decedent.

Suit was filed in Circuit Court yesterday to have the will of the late Alexander B. Elizabeth Parker et al. vs. Sarah M. Shirley et al. It is claimed by Mrs. Parker who is a daughter of the deceased, that the will is not valid because it was made while the testator was of an unsound mind, that the will was not duly executed and that the execution of the papers was the result of undue influence over the mind of Mr.

Mr. Conduitt was at the time of his death in the wholesale grocery business

POLLUTED STREAM AND MUST PAY DAMAGES

The Appellate Court yesterday affirmed a judgment of the Delaware Circuit Court, which had awarded J. H. Koontz \$1,600 for Grade II-Georgia Humphrey, Fritz Aldamages he sustained through the polludag, Gladys Hammons, Norma Poggemeyer, tion of the waters of Buck creek by the refuse from the mills of the Muncie Pulp Company. Judge Black said that the company had no right to carry on its business to the detriment and material damage of others. The mill should have been located Grade IV-Carl Adam, Ruth Fatout, where such damages would not result, was the purport of his opinion.

Bankruptcy Petition Filed.

A petition of involuntary bankruptcy was filed yesterday in the Federal Court by the Star Distillery Company of Cincinnati against Reinhard W. Feldkamp, of Indianapolis. The distillery company alleges in its petition that Feldkamp, though worth but a few hundred dollars, most of which is sunk in the liquor business, has issued promissory notes to the extent of \$1,191.30.

Damages from Traction Company. In the \$25,000 damage suit of Louis Bernstein against the Union Traction Company the plaintiff was awarded \$3,000 in the Federal Court yesterday afternoon. Bernstein received serious injuries last July at Au-

derson in an interurban collisio THE COURT RECORD.

SUPERIOR COURT. Room 3-Vinson Carter, Judge. Eugene A. Dalle, receiver, vs. Edward E Claypool et al.; mechanic's lien. On trial by court.

CIRCUIT COURT. Henry Clay Allen, Judge. L. H. Sutton vs. Thomas Huffman. Submitted to court. Finding for plaintiff. Judg-ment against defendant for \$46 and costs. Jessie Dacy vs. Joseph Dacy. Dismissed for want of prosecution. Judgment against plaintiff for costs.

Mary Tasallo vs. Mathew Tasallo. Disby plaintiff, Judgment against William F. Fox vs. Ivan J. Clark. Dismissed. Judgment against plaintiff for costs.

James C. Murray vs. South Improvement Association. Dismissed for want of prose-State ex rel. Fern Lynch vs. Harry Lynch. Dismissed for want of prosecution. Judgment against relatrix for costs. Henry Maag vs. Joseph Benton et al. Dismissed for want of prosecution. Judgment against plaintiff for costs. Taylor Gleasner vs. Branch Copeland. Submitted to court. Finding for defendant. Judgment against plaintiff for costs. Harry Schamahorn; petit larceny. Trial by court. Evidence heard. Fined \$1 and costs, twenty days in jail and disfranch for twenty days.

Nathan Fritz. Withdraws former, plea of not guilty to third count and enters a plea NEW SUITS FILED. James Duffey vs. Indianapolis Traction

Della Hyatt vs. Andrew Hyatt; divorce.

Delevan Smith and Charles R. Williams

vs. Henry H. De Pew; suit on account. Su-

Superior Court.

perior Court. Elizabeth Parker et al. vs. Sarah M. Sher-HIGHER COURTS' RECORD.

SUPREME COURT. 19797. State ex rel. Moore vs. Board of Commissioners. Montgomery C. C. Petition for rehearing overruled. Gillett, C. J .-When a judgment is adjudged to be a nullity, such adjudication becomes the law of the case. 20307. Brooks vs. Singer. Ripley C. C.

Affirmed. Dowling, J.-1. The apportionment act of 1903 (acts, 1903, Page 353), is untime of his death it was the dead of win- constitutional on account of being in conter, and the body was temporarily laid flict with the fourth and fifth sections of away in a vault. The weather was bitter | Article 4 of the State Constitution. 2. The cold and each hour that passed it grew districting of the State for the apportioncolder and colder. As the widow pined her | ment of senators and representatives must proceed upon the basis of the enumeration band, out in the cold cemetery, and how of the male inhabitants over the age of very uncomfortable he must be. So that twenty-one years, and it should be so adjusted as to secure to each voter of the State, as nearly as practicable, an equal undertaker that he take some comforts voice with every other voter in the State in and place them over the body of her dead | the choice of senators and representatives. 3. The General Assembly has much discretion in the disposition of the fractions of The undertaker at first refused, but so per- | the unit of representation, but such discretion must be exercised within the limitation of the Constitution. If it is abused, and the validity of an apportionment act is brought into disrepute, the question becomes a judicial one, and the courts have the right to determine whether that discretion has been exercised according to A philosopher might find several morals | the restriction put upon it by the Constitution. 4. Every male inhabitant of the State. over the age of twenty-one years at the time the last preceding caumeration of such inhabitants was taken, has a direct interest in the constitutional apportionment of senators and representatives throughout the State, and if by an apportionment act his rights in this respect are denied or impaired, he may obtain redress by preper action in the courts. And it is not requisite to his right to sue that the "Yes, I know, but why should she mourn | wrong complained of should exist in his own district. -Minutes -

20215. P., C., C., & St. L. Railway Company vs. Thomas Collins. Appellant's petition to advance. Cass C. C. 20218. The P., C., C. & St. L. Railway Company vs. George W. Lightheiser. Cause 20303. C., I. & L. Railway Company vs. the City of Crawfordsville. Appellant's brief (8). Montgomery C. C.

APPELLATE COURT. 4905. Bunyan vs Reed. Noble C. C. Reversed. Henley, C. J.-1. A beneficiary HALIFAX, N. S., May 11.-Captain En- member of a mutual benefit association (8) on a motion to dismiss. Jay C. C. nis, of the Royal Engineers and officer of until such death occurs, and the member which enables the user to perform the the imperial government, is in Ottawa as- may exercise the power of appointment work required of a wrench by means of a sisting the Canadian Department of without the consent of such beneficiary and set toothed surface on the back of the Militia and Defense to prepare plans for without any restriction other than such as move to S. C. (8). Harrison C. C.

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INDIANAPOLIS, IND. of such association so provided, the sur-

viving beneficiary may take the whole of 5014. Muncie Pulp Company vs. Koontz. Henry C. C. Affirmed, Black, J.-1. Whether or not the throwing or discharging of waste or impure matter into a stream would be a reasonable use of the stream. is a question of fact to be determined by the jury, 2. The right of a lower proprietor adjoining a stream of water to have the water come to him in its natural condition, is subject only to the right of the upper proprietor to make what, under the circumstances, may properly be regarded as a reasonable use of the stream. 3. In examining instructions given by the trial court, an Appellate Court may consider the apparent effect of the instructions upon the jury, by refering to the special findings in answer to interrogations. 4527. P., C., C. & St. L. R'y Co. vs. Miller Floyd C. C. Reversed, Roby, J .- 1. To justi-

fy leaving a train while it is in motion facts must be shown making it prudent for a passenger to do so. 2. The announcement of the station by the brakeman is not an invitation for passengers to alight before the train is brought to a standstill. 3. To brought to a standstill at a station is con-

construction of a sewer under the Barrett law is to be paid for according to the benefits to the property. 4572. C., C., C. & St. L. R'y Co. vs. Lindsay. Hendricks C. C., Petition for rehearing overruled per curiam. Points not made nor referred to in the original briefs cannot be raised on petition for rehearing. 4704. Claypool vs. Wigmore. Marion i Oral argument changed from June 15 to June 8, 1904. 5095. National Bank vs. Hill. Boone C. C. Extension of time to file reply brief

-Minutes.-5158. John Minnich et al. vs. James B. Swing, trustee. Appellee's brief (8). Allen 4892. C., C., C. & St. L. Railway Company vs. John D. Goddard, administrator. Ap-

4648. Balph vs. Magaw: Tipton C. C.

granted.

catur C. C. 5193. Casper Lipschitz vs. State of Indiana. Appellant's brief (8). Elkhart C. C. 4394. Chicago, Indianapolis & Louisville Railway Company vs. Mary E. Turner, administratrix. Appellant's petition to re-

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it subject to and notice of, all the reasonable rules, by-laws and regulations of the association issuing it. 3. When the rules the benefits.

tributory negligence. 4702 Norton vs. Fisher. Morgan C. C Reversed. Wiley, P. J.-The costs of the

Petition for rehearing overruled. pellees' additional authorities (8). De-

acquires no vested right to the benefits that 48%. Charles Knowlton vs. John W. are to accrue to him upon the death of a | Smith. Appellant's additional authorities hatchet blade. Taken all in all, this affair hew fortifications in this country, Some of may be imposed by organic law or the | 5089. C., C. & St. L. Railway Company